

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

PHILIP MORRIS USA INC.,
Plaintiff,

v.

Civil Case No. 3:15-cv-00577-JAG

AMERICAN ACCESSORIES
INTERNATIONAL, L.L.C.,
Defendant.

EMERGENCY VISITATION ORDER

This multi-million dollar lawsuit involves an allegedly defective tchotchke. The parties are two giants of American commerce, and, befittingly, each has retained a legendary American law firm to handle the case. Arnold & Porter LLP, represents the plaintiff, Philip Morris USA. Williams & Connolly LLP, represents the defendant, American Accessories International (“AAI”).

The tchotchke at issue is a combination flashlight-match holder that Philip Morris gave to consumers as an incentive to buy or to remain loyal to Marlboro cigarettes. AAI supplied the item to Philip Morris. Philip Morris says the flashlight-match holder was defective because it exploded in the hands of consumers; this allegation forms the basis of this case. According to AAI, the item did not explode and the fact that it still has the allegedly exploded items, by the mere fact of their existence, proves that no explosion occurred.

The parties have come to the Court with a dispute over visitation with two of the allegedly exploded flashlights. Arnold & Porter wants to take the flashlights home for a while to look at them. During this time, counsel will be able to think while looking at the flashlights, so that flashes of insight will come to the lawyers as they prepare for proceedings in this case.

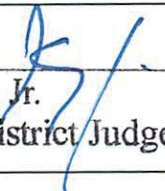
Williams & Connolly says the flashlights are very important, and should stay in its offices. Williams & Connolly will, however, allow Arnold & Porter to come and visit the allegedly exploded flashlights in Williams & Connolly's offices, where sufficient opportunity for thought about the flashlights will be available. Arnold & Porter insists they need to go to their own rooms to mull over the items.


Unable to resolve this dispute between themselves, the parties bring this matter before the Court on Philip Morris's motion for extended inspection. (Dk. No. 82.) Upon due consideration, the Court GRANTS the motion. Specifically, the Court DIRECTS that AAI has until noon today, June 24, 2016, to take pictures of the flashlights. By noon, J. Andrew Keyes, counsel for AAI, or another partner—not an associate or an of counsel—at Williams & Connolly shall deliver the flashlights to Anand Agneshwar, counsel for Philip Morris, at the offices of Arnold & Porter in Washington, D.C. Arnold & Porter may keep the flashlights for the weekend. During its weekend visitation with the flashlights, Arnold & Porter shall not alter the condition of the flashlights. On Monday, June 27, 2016, by noon, Mr. Agneshwar or another partner—not an associate or an of counsel—at Arnold & Porter shall return the flashlights to Mr. Keyes at the offices of Williams & Connolly in Washington, D.C.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: June 24, 2016
Richmond, VA

<p>/s/ </p> <p>John A. Gibney, Jr. United States District Judge</p>
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/s/ 
bney, Jr.
United States District Judge